

The 14th February, 1967

No. 1219-3Lab. 67/2590.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s H.R. Bhalla & Sons (P) Ltd., Bahadurgarh :—

BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER, LABOUR COURT, ROHTAK

REFERENCE No. 32 OF 1966

between

THE WORKMEN AND THE MANAGEMENT OF M/S H.R. BHALLA & SONS (P) LTD.,
BAHADURGARH

Present :

Shri Onkar Parsad, on behalf of the workmen.

Shri D.C. Chadha, on behalf of the management.

AWARD

An industrial dispute having arisen between the workmen and the management of M/s H.R. Bhalla & Sons (P) Ltd., Bahadurgarh, the State Government by means of their Gazette notification No. 39-6Lab-I-63/26338 dated 2nd December, 1963 and in exercise of the powers conferred on them under section 10 (1)(c) of the Industrial Disputes Act, 1947, referred to the Labour Court, Rohtak, the matter mentioned below :—

Whether the termination of services of Sarvshri Rup Chand, Kharaiti Lal and Balkishan is justified and in order? If not, to what relief/exact amount they are entitled?

My learned predecessor Shri Jawala Dass by his award dated 30th March, 1964, held that the dispute giving rise to the present reference was not an industrial dispute and therefore, this Court was not competent to entertain or adjudicate upon the dispute. He accordingly dismissed the claim of the workmen as incompetent. The workmen filed a petition under article 227 of the Constitution of India against the award of my learned predecessor in the High Court for the State of Punjab at Chandigarh. The Hon'ble High Court by its order dated 28th April, 1966 quashed the award dated 30th March, 1964 of my predecessor and remanded the case for a fresh decision in the light of the High Court's order. Fresh notices were accordingly issued to the parties. They appeared before this Court and filed certain fresh pleadings. Two preliminary issues were framed in the case and evidence of the parties was recorded on those issues. The case was fixed for arguments for today. At today's hearing the authorised representatives of the parties arrived at a settlement and made statements before this Court containing the terms of that settlement. These statements are reproduced below :—

Statement of Shri Onkar Parsad on behalf of the workmen

"The parties have arrived at a settlement under which the three claimants Sarvshri Roop Chand, Kharaiti Lal and Bal Krishan are not to be reinstated by the management. The management would pay to each of the two claimants Sarvshri Kharaiti Lal and Balkrishan the following amounts :—

- fifty per cent of the amount which would have been due to each of these two claimants if they had been retrenched by the management from the date from which their services had been terminated by the management.
- fifty per cent of the wages for the period each one of them was kept under suspension by the management before termination of his services.
- earned wages, if any, in full.

Shri Roop Chand claimant would be paid by the management the following amounts :—

- twenty-five per cent of the amount which would have been due to him if he had been retrenched by the management from the date from which his services had been terminated by the management.
- fifty per cent of the wages for the period of suspension immediately before the termination of his services by the management.

The above amounts will be in full and final settlement of the claims under reference in this case.

The average monthly wages of the claimants to find out the amounts due to them under clauses (a) and (b) above will be worked out on the basis of the special agreement, if any, between the parties at the relevant time on the subject of providing minimum amount of work during a year at specified rates to these employees. Otherwise the average will be calculated as provided for under the Industrial Disputes Act, 1947.

An award may be given in the above terms."

Statement of Shri D.C. Chadha on behalf of the management

"I have heard the statement made by Shri Onkar Parsad on behalf of the workmen above. It is correct. An award may be given accordingly."

I make this award in terms of the aforesaid statements of the authorised representatives of the parties. The parties are left to bear their own costs of these proceedings.

This award is submitted to the Government of Haryana, Department of Labour, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 8th March, 1967.

HANS RAJ GUPTA,
Presiding Officer,
Labour Court, Rohtak.